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SUBJECT: INTERNATIONAL LEGAL CONFERENCE HIGHLIGHTS SPEED BUMPS ON
ROAD TO VIETNAM'S INTERNATIONAL INTEGRATION

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CLASSIFIED BY: Kenneth J. Fairfax, Consul General, U.S.
Consulate General Ho Chi Minh City, Department of State.
REASON: 1.4 (b), (d)

11. (C) SUMMARY: Holding the 2009 LawAsia Society conference, the LawAsia Moot Competition for law students and the meeting of Asian/Pacific Chief Justices concurrently in HCMC represented both a significant step forward for Vietnam's legal profession as well as a reminder of how far they still have to go. While organizers initially took minor setbacks (such as a GVN demands that speeches be modified and that one paper slated for presentation to the LawAsia Society conference be dropped entirely) in stride, by the closing of the event international organizers and local sponsored were clearly under extreme stress. Closing remarks at the award ceremony for the Moot Competition were rewritten entirely just hours before the event in a last-ditch effort to assuage irate CPV and MPS officials who had taken exception to various aspects of the event. Despite these drawbacks, Vietnamese lawyers and students participating in the events were clearly elated at having the opportunity to interact with international colleagues. Foreign participants, including the Chief Justice of Australia's Supreme Court, were very impressed with the quality of young Vietnamese lawyers and students. END SUMMARY.

LAWASIA COMES TO HCMC

12. (SBU) After more than four years of attempts and preparation, LawAsia (the law association for Asia and the Pacific) held its 2009 annual conference in HCMC. Concurrent with the conference, the association of Chief Justices of Asian and Pacific Supreme Courts held their annual meeting in the city and LawAsia held the finals of its annual Moot Competition for law students. LawAsia President Glenn Ferguson (from Australia) oversaw the conference while Raphael Tay (from Malaysia) served as the Chair of the LawAsia Moot Competition organizing committee. Other LawAsia officers from Japan, the Philippines, South Korea, New Zealand and elsewhere also participated in the organizing. The meeting of Chief Justices of Supreme Courts was the most private of the three events and was organized by staff working for the Chief Justice of the Supreme Court of Malaysia. Their counterparts were the Vietnam National University - HCMC School of Law (VNU-HCMC School of Law) for the Moot Competition, the Ministry of Justice and HCMC Bar Association for the LawAsia Conference, and the Ministry of Justice for the meeting of Chief Justices.

13. (C) As the leadership of LawAsia and the organizers of the Moot Competition explained at lunch with ConGen Officers just after their arrival in HCMC, bringing the three annual Asian law events to HCMC had been a long-held dream of LawAsia's leaders that they pursued as part of their commitment to promoting rule of law and the professionalization of both lawyers and judges throughout Asia. The participation of a member of Vietnam's high court in a previous meeting, along with the very good showing made by Vietnamese students in past Moot Competitions, appeared to help the GVN accept the event.

14. (C) Organizers began to get a taste of complications to come before the conference and competition began. The Moot Competition organizers, for example, had made requests to several Consulates General whose countries had teams participating in the Moot Competition to co-host an informal evening event for the students, judges and lawyers. After the USA, Australia and Singapore had agreed, however, Vietnamese counterparts informed LawAsia that it would be "too sensitive" for the foreign consulates to host events. On the day the LawAsia board arrived, they were greeted with the news from the Ministry of Justice that one of the keynote papers to be presented at the conference had to be dropped entirely. The paper, by a LawAsia Board Member from Australia, had been on balancing states' interests and personal privacy in the Internet age and had advocated adoption by Asian nations of a document similar to the European Charter on Internet Privacy. In addition, LawAsia's Executive Secretary had been "invited" to discuss changes to his opening address to students participating in the Moot Competition. Despite these minor glitches, however, the LawAsia board was clearly upbeat during their first day in HCMC and focused much of their discussion on the opportunity the upcoming events represented to help integrate Vietnam's legal profession into the international community.

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15. (C) The spirits of the LawAsia group were further bolstered when one of the leaders of HCMC Bar told them that they should not worry too much about the Internet privacy paper being pulled since he would call on the author during a discussion session with a question that would, in effect, invite the author to present his arguments from the floor. In a discussion with CG after the conference, both the presenter and the Vietnamese lawyer said that the exchange had gone very well. One of the Vice Presidents of the HCMC Bar Association commented, however, that MoJ officials were very unhappy with the topics raised during open discussions at the LawAsia event but shrugged off the reprimand he had received as nothing unusual. While he expressed doubts that MoJ will agree to let LawAsia return to Vietnam anytime soon, he added that it won't be Vietnam's turn again for a number of years -- and who knows what could happen by then.

Moot Not Mute

16. (C) The Moot Competition wound up being the lightning rod that attracted the most strikes. At first glance, the topic of the 2009 Moot Competition appears technical and arcane: a multi-party dispute involving a treasure-hunting ocean salvage company, a fictitious nation where a colonial-era ship wreck had been found, the fictitious nation from which the gold and other valuable artifacts had been looted over a century ago, and the fictitious country whose flag the wrecked ship flew. In practice, however, arguments presented and subsequent

questioning by judges frequently focused on fundamental principles of law such as the right of the state versus the rights of property owners, the sanctity of contracts and even the proper separation of judiciary from the executive branch. While LawAsia representatives had submitted all papers to be presented at their conference to the Ministry of Justice in advance, they had not submitted all of the student's initial written arguments in the moot competition. As Moot Chair Raphael Tay explained to CG, they were only student papers and touched only upon a fictitious case so he never even thought to present them for censorship review.

17. (C) As the competition moved from initial arguments to questions and answers, the discussion became even more sensitive. The Chief Justice of the Supreme Court of Malaysia, who had volunteered as one of the Moot Competition judges, undoubtedly set off mental alarm bells when he asked the students representing VNU-HCMC Law School what their arguments in the case implied about the limits of states' power in private property cases and the responsibility of states' to respect their own laws and contracts. Other Moot Competition judges asked questions that directly linked the fictitious case to the independence of the judiciary, the value and legal weight of precedence, and other topics. The result was an avalanche of protests directed at the organizers and hosts of the Moot competition. After being contacted by MoJ officials, VNU-HCMC Law School Rector Mai Hong Quy lodged a complaint with LawAsia ExecSec Tay, demanding to know why students' written arguments had not been submitted in advance. As the competition continued and the judges began their questioning, her complaints were joined by additional ones directly from the Ministry of Justice, the HCMC Communist Party and the Ministry of Public Security (MPS). A few sessions of the competition were delayed by frantic demands that contestants and judges stick narrowly to the topic but eventually proceeded. The presence of two Chief Justices (Malaysia and Australia) plus numerous other senior judicial officials at the competition probably helped avert more disruptions.

18. (C) Moot Competition Chair Raphael Tay told CG that as the competition continued and complaints mounted, he had found VNU-HCMC Rector Mai Hong Quy literally in tears due to the direct threats she had received from the CPV and MPS, both of whom had informed her that the poor judgment she displayed in hosting the Moot Competition raised serious doubts about her suitability as law school rector. Tay was approached by multiple

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officials who demanded that he intervene with Moot Competition judges in order to convince them to stick narrowly to the topic and avoid sensitive lines of questioning.

A SURREAL CLOSURE -- BUT LOTS OF SMILES

19. (C) The Moot Competition award ceremony, which was broadcast live on Vietnamese national television, reflected both the strains the competition had caused as well as the friendships it had helped form. Rector Mai Hong Quy's opening speech, which she confided to CG she had finished rewriting only shortly before the broadcast began, hailed the Moot Competition as "an opportunity for Vietnam to demonstrate to the international community the value of Ho Chi Minh thought as applied to education, particularly Ho Chi Minh's emphasis on education through practice focused on achieving national goals." The rest of the speech continued along the same lines and generally sounded more like a pronouncement from the CPV's ideology department than from a well respected lawyer and academic. (Comment: Mai Hong Quy is a long-time Consulate contact. Her

stated personal goal is to improve the quality of legal education in Vietnam. In order to pursue this goal effectively, she avoids unnecessary controversy while pursuing a pragmatic, gradual program of expanding legal education into such areas as international law and even human rights law. Her speech that night was unlike anything we had heard from her before. End Comment.)

¶10. (C) After having already rewritten his closing speech once to avoid references to advancing the rule of law and other "sensitive topics," Raphael Tay was also forced to completely rewrite his remarks at the last minute. His final speech was an extended (nationally televised) apology for the many problems the Moot Competition had encountered. He took all of the blame on himself, stating that Mai Hong Quy and others had done everything correctly and had even attempted to help him avoid his many errors. He added that if he could, he would do anything if only to take back the tears that had been shed.

¶11. (SBU) Against that somber background, the actual awards ceremony was huge success. The VNU-HCMC Law School team won one of the major awards of the night and was given a second, special award for the team that had overcome the greatest obstacles in order to successfully compete in the Moot. While the VNU-Hanoi Law School team did not win any awards, the students were still clearly ecstatic to be taking part in an international competition. Even the legion of law and English students from HCMC who served as volunteers during the competition were giddy with the excitement of making so many new friends from across Asia and the Pacific. (FYI: The top team award went to a Malaysian team and the top individual award to an Aussie. The sole American team, from LA, did not garner any awards.)

¶12. (C) In conversations with international students and coaches after the competition, it appeared that the behind-the-scenes drama had made little impression on them. Delays are normal and can occur for many reasons, so the ones caused by concern over presentations and questions did not appear to strike most participants as anything unusual. With only a few exceptions, the students appeared unaware of -- and unconcerned with -- the reasons for the delays. International professors and coaches were uniformly complementary of the level of preparation and poise of the Vietnamese law students; several expressed surprise that students of such caliber were students at essentially unknown law schools. While various participants admitted that they were rather surprised that the award ceremony for an academic legal competition included no less than three elaborately choreographed dance routines and two fashion shows, no one CG spoke with complained about the addition of a bit of Las Vegas style glitz to what is usually a rather sedate legal awards event.

CHIEF JUSTICES MEETING PUBLICIZED BUT PRIVATE

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¶13. (C) Of the three legal events that took place simultaneously in HCMC, the meeting of Chief Justices of Asian and Pacific Supreme Courts was the highest level and least public. Justices from roughly a dozen countries met in the Reunification Palace (former Presidential Palace) in HCMC. Despite huge banners welcoming them and a brief televised segment of Vietnamese leaders greeting the justices, the entire meeting took place in complete privacy. Even lunches and dinners were closed. The few justices who did venture out to volunteer as judges in the Moot Competition would only say that meeting was open and productive

with no topics off limits but that it was also completely private.

COMMENT

¶14. (C) Despite the drama that surrounded the LawAsia Conference and the Moot Competition, having those two events take place in Vietnam for the first time represents a concrete step forward in the slow process of improving rule of law in Vietnam as well as moving the country toward accepting international legal norms. The drama is simply a reflection of the fact that the step forward was rather larger than the CPV and MPS are comfortable with. Despite the angst of their government, Vietnamese lawyers and law students were very proud to serve as hosts and worked hard to earn the respect of their international colleagues. While CPV sensitivities may preclude a repetition of an event of this type for some time to come, the fact remains that many Vietnamese lawyers and students who have never had the opportunity to travel or study abroad have now had a strong taste of how law is practiced outside of Vietnam -- and they clearly like what they tasted.

¶15. (U) This cable was coordinated with Embassy Hanoi.
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